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Intergovernmental Relations at the Nuclear Regulatory Commission

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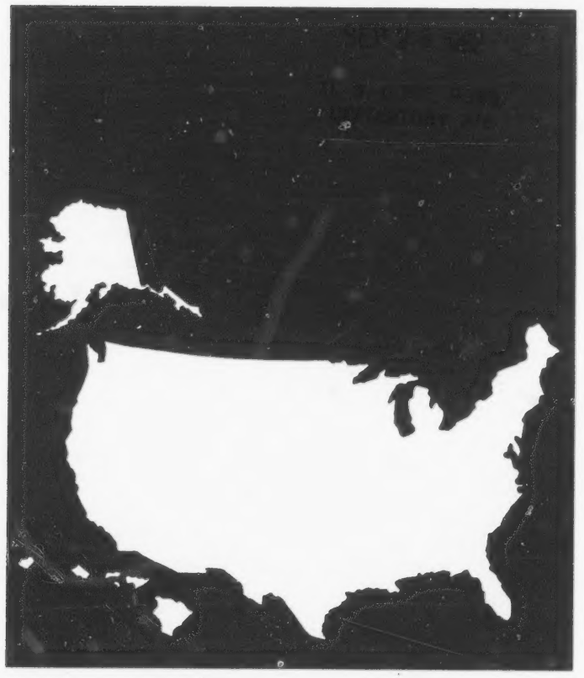

Office of State Programs
U.S. Nuclear Regulatory Commission

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Intergovernmental Relations at the Nuclear Regulatory Commission

Office of State Programs The Office of State Programs of the U.S. Nuclear Regulatory Commission coordinates a variety of agency-wide programs with State and local governments and their organizations. These programs encompass important responsibilities and programs concerning health and safety, on the one hand, and financing and economics, on the other, that have traditionally been carried out by the States. Because of the importance of these overlapping responsibilities, proper consultation between the Nuclear Regulatory Commission and State and local governments is essential. Accordingly, for over two decades, both the Atomic Energy Commission, forerunner agency to NRC, and the NRC have included within their organizations personnel charged with maintaining and enhancing effective intergovernmental relations.

Health and Safety Regulation Prior to enactment of the Atomic Energy Act of 1954, nuclear energy activities in the United States were largely confined to the Federal Government. The Act made it possible for private commercial firms to enter the field for the first time. Because of the hazards associated with nuclear materials, Congress determined that these activities should be regulated under a Federal licensing system to protect the health and safety of workers in the nuclear industry and the public. The Nuclear Regulatory Commission is the Federal agency charged with this responsibility.

Although protection of the public's health and safety has traditionally been a State responsibility, the Act of 1954 did not specify such a role for the States in nuclear matters. This policy was amended when Congress enacted in 1959 section 274 of the Atomic Energy Act. Section 274 spelled out a State role and provided a statutory basis under which the Federal Government could relinquish to the States portions of its regulatory authority. The 1959 amendment made it possible for the States to license and regulate radioisotopes, source materials (the raw materials of atomic energy), and small quantities of special nuclear materials. The result of this changed Federal-State relationship is that NRC actively consults with State and local governments, and the national organizations that represent them, about Commission initiatives in the regulation of radioactive materials and facilities of interest to the States, or about other programs that could have an impact on the States. The NRC also monitors its programs to ensure that adverse impacts on State and local governments are minimized.

The NRC Agreement States Program The mechanism for the transfer of NRC's authority to a State to regulate the radiological health and safety aspects of nuclear materials is an agreement between the Governor of the State and the Commission. Before actually signing the document, the Commission, by statute, must determine that the State's radiation control program is compatible with the Commission's and that it is adequate to protect the public health and safety. For its part, the State usually establishes its authority to enter such an agreement by passing enabling legislation.

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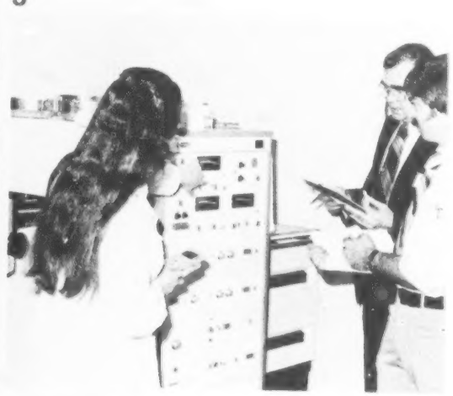

At present, twenty-six States have entered into such Agreements with NRC. These States now regulate about 60% of the licensees for byproduct, source material, and special nuclear material in the United States. (Since 1981, qualified States may also enter into limited agreements for regulation of low-level waste in permanent disposal facilities.) Once a State has entered into such an agreement, NRC conducts an extensive cooperative post-agreement program with it. NRC and the States exchange technical and statistical information on licensing and inspection practices, and on incidents. As mandated by the Atomic Energy Act, NRC holds in-depth review meetings periodically with each State in which organizational, administrative, personnel, regulatory, licensing and compliance issues are reviewed. Additional attention is focused on State regulation of uranium mill tailings in those States exercising jurisdiction under an amended Agreement over radiation hazards from tailings. When program deficiencies are identified, specific recommendations for improvements are developed. Special technical assistance is also routinely provided to the States. NRC provides a wide spectrum of training for State personnel. Areas covered include health physics, radiography and nuclear medicine safety, management of regulatory programs and control of uranium mill tailings. Travel costs and per diem for these training sessions are paid by NRC. Although other Federal agencies, such as the Environmental Protection Agency, the Food and Drug Administration, and the Department of Transportation are also involved in the control of radiation hazards, NRC's Agreement State Program serves as a focal point for Federal-State cooperation in radiation control. The NRC holds an annual meeting with all Agreement States to provide technical information and discuss major policy issues. The NRC State Agreement Program is implemented by the NRC regional offices in accordance with established policies and procedures.

NRC Regional State Liaison Officers In addition to its Agreement States Program, NRC maintains involvement with State and local governments for two-way communications on other issues of mutual interest. Regional State Liaison Officers in each of NRC's five regional offices provide information and consultation to State and local officials and may, in some cases, participate in the Federal Regional Assistance Committees that review State and local emergency plans for nuclear accidents. Governors in every State have appointed their own State Liaison Officers to provide a point of contact at a high State level for the exchange of views and information on questions relating to the regulation of radioactive material and facilities. The Conference of Radiation Control Program Directors, an organization of State radiation officials, is supported by the NRC and other Federal agencies and provides an important link between Federal and State governments. The Office of State Programs also maintains active communication with a number of State and local governmental associations, including the National Governors' Association, the National Conference of State Legislatures, the National Association of Counties, the League of Cities/Conference of Mayors, and the National Association of Towns and Townships.

NRC and the States have collaborated on review of anticipated environmental impact of proposed facilities, on environmental

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NRC sponsors a wide variety of training courses for State personnel. (Photos 1 and 2)

State personnel, here accompanied by NRC staff, (Photo 3) conduct inspections of Agreement State licensees.

NRC holds periodic meetings with Governor-appointed State Liaison Officers. (Photo 4)

surveillance programs around nuclear power reactors, on the surveillance of radioactive materials in transport, and on developing State emergency planning for nuclear facilities. The Atomic Energy Act also authorized NRC to enter into agreements with States or groups of States to perform more limited functions (e.g., certain inspection functions) that NRC finds appropriate to its responsibilities. Such agreements are narrower in scope than the transfer of NRC regulatory authority to Agreement States.

Financial and Economic Regulation The States have been responsible for regulating the rate-making, financing, insurance, and resource forecasting for commercial firms who are also subject to NRC's radiological health and safety regulations. In the course of carrying out its responsibilities under the Atomic Energy and National Environmental Policy Acts, NRC has also exercised certain regulatory responsibilities in these areas. Nevertheless, NRC is attempting to strike a proper balance between its and the States' regulatory responsibilities in economic matters. It is continually exploring ways to place greater reliance on the States.

NRC continues to investigate areas of economic regulation exercised by the States that can be utilized by NRC in discharging its responsibilities. The NRC intends to place greater reliance on State analyses of the need for nuclear power generating facilities, of alternative energy sources, and of potential uses of conservation. It is working with the States to enhance their capabilities to carry out such analyses. The NRC is also discontinuing its routine reviews of the financial qualifications of applicants for licenses to construct and operate nuclear power reactors. Through such efforts as consultation with the National Association of Regulatory Utility Commissioners, NRC is attempting to balance its licensing needs to protect the public health and safety with the exercise of the States' economic regulatory authority in such questions as assuring that licensees will have funds available to decommission and decontaminate nuclear power reactors. While the regulation of insurance for nuclear plants has always been primarily a State authority, Federal legislation and regulatory implementation bring certain nuclear insurance questions within NRC's jurisdiction. Here again, NRC is attempting to carry out its legally mandated requirements with a minimal impact on areas of legitimate State authority.

NRC Assistance The staff of the Office of State Programs and the Regional Offices are ready to meet with representatives of Governors, State agencies, State legislative committees, State advisory groups and others to explain fully NRC interagency programs and to outline its program of consultation and assistance. They can provide descriptive materials about these programs and model State acts for regulatory legislation and can also arrange meetings with other NRC staff members on specialized subjects.

Regional Offices

Region I · King of Prussia, Pennsylvania (215)337-5000

Region II · Atlanta, Georgia (404)221-4503

Region III · Glen Ellyn, Illinois (312)932-2500

Region IV · Arlington, Texas (817)465-8100

Region V · Walnut Creek, California (415)943-3700

For additional information, or to arrange a meeting, contact the Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492-8170, or the appropriate Regional Office for the State as indicated on the map of the NRC Regions.